

REMARKS

Claims 1 through 8, 13 through 17, and 20 through 26 are currently pending in the application.

Claims 9 through 12, 18, and 19 have been cancelled

Claims 1 and 17 have been amended.

Claims 21 through 26 are newly added in this amendment. No new subject matter has been added by the new claims. Support for the new claims may be found in the Specification at ¶¶ [0035], [0045], [0050], and [0055] among others.

This amendment is in response to the Office Action of June 2, 2005.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on Gase (U.S. Patent 6,184,996)

Claims 1, 2, 5, 6, 8 through 17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gase (U.S. Patent 6,184,996) (“Gase”). Applicant respectfully traverses this rejection.

Applicant asserts that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 is directed to “[a] method of downloading web-based data, comprising . . . providing a printer incorporating a web server, said web server linked to a network; initiating a data download request using an SMTP client to said web server by specifying a network address associated with said data; communicating at least one data download command for said data from said web server to a responsive remote server supporting said network address; downloading said data specified by said network address via said responsive remote server; transmitting said downloaded data from said responsive remote server to said web server; receiving said downloaded data by said web server; and storing said downloaded data in memory of said printer.”

Currently amended independent claim 1 requires “initiating a data download request using an SMTP client.” The Office Action acknowledges that Gase does not describe using

an SMTP client of a web-based device. Office Action of June 2, 2005, p. 6. Applicant asserts that Gase does not identically describe each and every element of presently amended independent claim 1 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Therefore, presently amended independent claim 1 is allowable.

Claims 2, 5, 6, 8, and 13 through 16 are allowable as depending from allowable independent claim 1. Claims 9 through 12 have been cancelled.

Independent claim 17 is directed to “[a] system for downloading web-based data, comprising . . . a web server embedded on a printer; said web server configured for display of at least one web page, said at least one web page associated with operative functions of said printer; said web server adapted to be linked to a network; said web server configured to receive and process data download requests from a web-based device, said data download requests for data associated with at least one remotely located data server; said web server configured to send download commands to said at least one remotely located data server; said web server configured to receive downloaded data transmitted by said at least one remotely located data server and to store said data in printer memory; and said web-based device adapted to send data download requests via an SMTP client to said web server for data associated with said at least one remotely located data server.”

Currently amended independent claim 17 requires “said web-based device adapted to send data download requests via an SMTP client.” The Office Action acknowledges that Gase does not describe requests via an SMTP client of a web-based device. Office Action of June 2, 2005, p. 6. Applicant asserts that Gase does not identically describe each and every element of presently amended independent claim 17 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Therefore, presently amended independent claim 17 is allowable. Claim 19 has been cancelled.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Gase (U.S. Patent 6,184,996) in view of Augustine et al. (U.S. Publication No. 2003/0182263)

Claims 3, 7, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gase in view of Augustine et al. (U.S. Publication No. 2003/0182263) (“Augustine”).

Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant asserts that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

Dependent claims 3 and 7 have all of the limitations of presently amended independent claim 1. As noted above, Gase does not anticipate presently amended independent claim 1. Applicant asserts that Augustine does not cure Gase's deficiencies regarding presently amended independent claim 1 because Augustine does not send a URL through a SMTP device but, rather, receives the URL through a SMTP device. Therefore, presently amended independent claim 1 is allowable. Therefore, claims 3 and 7 are allowable as depending from allowable presently amended independent claim 1.

Dependent claim 18 has been cancelled.

Objections to Claim 4/Allowable Subject Matter

Claim 4 stands objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. The Applicant thanks the Examiner for the acknowledgement of allowable subject matter in dependent claim 4; however, the Applicant believes the independent claim to be allowable for the reasons stated above.

The Applicant thanks the Examiner for the allowance of claim 20. After carefully considering the cited prior art, the rejections, objection, allowance, and the Examiner's comments, Applicant submits that claims 1 through 8, 13 through 17, and 21 through 26 are also clearly allowable over the cited prior art.

Applicant requests the allowance of claims 1 through 8, 13 through 17, and 21 through 26 and the case passed for issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James R. Duzan". The signature is fluid and cursive, with the first name "James" and last name "Duzan" clearly distinguishable.

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